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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**1.**

**CWP-4728-2017**

**Date of Decision :23.08.2017**

**MAHABIR ROHILLA AND ORS**

**.....Petitioners**

**Versus**

**HARYANA VIDYUT PARSARAN NIGAM LIMITED & OTHERS**

**.....Respondents**

**2.**

**CWP-18126-2017**

**Date of Decision :23.08.2017**

**SURENDER SINGH AND ORS**

**.....Petitioners**

**Versus**

**HARYANA VIDYUT PARSARAN NIGAM LIMITED & OTHERS**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Ashwani Antil, Advocate and  
Mr. Gautam Kalie, Advocate, for the petitioners.

Mr. Hitesh Pandit, Addl. Advocate General, Haryana

Mr. D.S. Nalwa, Advocate, for the respondent-Corporation.

Mr. Girish Agnihotri, Senior Advocate with  
Mr. Vijay Pal, Advocate, for respondents no.4 to 12.

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**AMOL RATTAN SINGH, J. (ORAL)**

**CWP nos.4728 of 2017 and 18126 of 2017**

The grievance of the petitioner in this petition is that the policy for appointment to the post of Grid Sub-Station Operators has been changed arbitrarily (as contended), by the respondent-Haryana Vidut Prasaran Nigam Limited, vide the office order dated 29.01.2016, Annexure P-3.

(It is not disputed by counsel on either side that the policies by which the recruitment and promotions to any post in the aforesaid Nigam are made, are virtually in the form of regulations issued and that such policies are as per the power exercised under Section 56 (3) (vi) of the Electricity Reforms Act, 1997 read with the relevant provisions of the Electricity Act, 2003).

2. Learned counsel for the petitioners contends that prior to the said amendment in the policy, the 'then prevalent' policy was issued vide an order dated 15.07.2008 (Annexure P-2), Clauses 1.6 and 1.7 of which read as follows:-

***“ 1.6 Grid Sub-Station Assistant (GSSA) (4000-6000)  
(Group-C)***

***BY PROMOTION (EXERIENCE & PROBATION)***

*1.6.1 The recruitment will be by promotion out of Shift Attendants on seniority-cum-merit basis with minimum 2 years service as Shift Attendant, provided he has passed the Safety Code Test. The incumbent after promotion shall be on probation for a period of one year.*

***1.7 Grid Sub-station Operator (GSSO) (5000-8000)  
(Group-C)***

***BY PROMOTION (EXERIENCE & PROBATION)***

*1.7.1 The recruitment will be by promotion from amongst the Grid Sub-station Assistant on seniority-cum-merit basis with minimum 2 years service as GSSA, provided he has passed the Safety Code Test. The incumbent after promotion shall be on probation for a period of one year.”*

3. Vide the impugned order dated 29.01.2016, a 'one time policy' of recruitment by direct recruitment has been adopted by the Nigam, presently substituting Clause 1.7 as follows:-

***“1.7 Grid Substation Operator (GSO) (as one time recruitment against promotion post)***

***Qualification:***

*a) 3 years diploma in Electrical/Electrical & Electronics Engineering from any Institute recognized by AICTE or by a State Board of Technical Education with a minimum 55% marks in respect of General Category candidates and 50% marks in respect of SC category candidates of Haryana domicile.*

*b) Must have passed Hindi/Sanskrit upto Matric Standard.*

*1.7.2 The weightage of experience and relaxation in age to the contractual workers engaged by any Power Utility*

would be given as under:-

**i) Weightage of Experience**

*One percent mark for each completed year of service in the respective category be granted subject to a maximum of eight percent with the rider that the qualifying service should have been in any Power Utility in the same capacity.*

**iii) Relaxation in Age**

*One year of age relaxation for each completed year of service in the respective category be granted subject to a maximum of 5 years with the rider that the qualifying service should have been in any Power Utility.*

**1.7.3 Criteria for the Recruitment/Selection**

*Following criteria for the recruitment/selection of these Class-III posts be followed by HSSC as per instructions of the State Government vide memo no.42/204/2014-5GSI dated 13.07.2015:-*

- a) The interview marks weightage will be 12% of the total marks.*
- b) The written exam shall be of 80% weightage of the total marks.*
- c) The weightage of experience shall be to the extent of 8% as given in sub para-1.7.2 above.*

*This issued in pursuance with the decision taken by the Board of Director, HVPNL in circulation.”*

Thus, as a one time measure, direct recruitment to posts of Grid Sub-Station Operators has been undertaken by the HVPNL.

4. In response to the notice issued in the petition, a reply has been filed by the respondents, stating therein, as pointed out by Mr. Nalwa, learned counsel appearing for them, that the total cadre strength of GSSOs is 1067 out of which only 224 posts stand filled presently, thereby leaving 843 posts vacant, out of which 418 are being filled in by direct recruitment as a one time measure, in order to ensure that work at that level does not suffer due to the said vacancies prevalent in the cadre. It is contended that there are no persons immediately available for promotion as GSSOs from the post of Grid Sub-Station Assistants, they not having completed 2 years work experience on the said feeder cadre post, as is required as per clause 1.7 in terms of the previous policy issued on 15.07.2008 (Annexure P-2.

5. Both, Mr. Nalwa and Mr. Girish Agnihotri, learned Senior

Nitin  
10/17/2017  
I attest to the accuracy and  
integrity of this document

Counsel appearing for the newly added private respondents, i.e. those who are seeking to be directly appointed to the post of Grid Sub-Station Operators, also submits that the none of the petitioners, or other Grid Sub-Station Assistants, were eligible for promotion as Grid Sub-Station Operators, the requisite two years experience on the lower post not being complete with them. Further, with the number of 425 posts still available in the cadre of Grid Sub-Station Operators, to which the petitioners and other Grid Sub-Station Assistants would be promoted upon the requisite experience being complete (provide there is nothing adverse in any such persons' service record), the petitioners can have no grievance as regards recruitment of any person directly to the post of Grid Sub-Station Operators.

6. Learned counsel for the petitioners has however further pointed to the fact that had the petitioners been promoted on time, to their present posts of Grid Sub-Station Assistants, i.e. two years after they had completed the necessary two years' experience as Shift Attendants, they would have also now completed the necessary experience on their present posts, i.e. Grid Sub-Station Assistants, to enable them to be now promoted as Grid Sub-Station Operators.

He further points to the fact that as per information received by him yesterday, under the RTI Act, 103 vacancies still exist in the post of Grid Sub-Station Assistants and as such, the official-respondents cannot take a stand that there were no posts available in the rank of GSSAs on which the petitioners could not have been promoted. However, on query he admits that as to when such vacancies occurred and whether the petitioners would have been in the zone of consideration as per their seniority for promotion to those vacancies, is not presently known.

7. Having heard learned counsel for the parties, in the opinion of

this Court, the petitioners' grievance against direct recruitment cannot be entertained, in view of the fact that by advertising 418 posts of Grid Sub-Station Operators for direct recruitment as a one time measure, the petitioners' right to promotion to the said post is not curtailed, inasmuch as, 425 posts still remain vacant to be filled up by way of promotion from a cadre of 224 Grid Sub-Station Assistants, i.e. the posts the petitioners' are presently 'occupying'.

It needs to be noticed that it has not been specifically shown to this Court that the qualification required for appointment as Grid Sub-Station Assistants is the same that is required for Grid Sub-Station Operators as per the amended provision, which provides that a Grid Sub-Station Operator to be appointed by direct recruitment must have a three year diploma in Electrical/Electronics Engineering, with a minimum of 55 % marks (50% marks in the case of reserved categories).

8. Consequently, leaving the question of seniority open, between direct recruits who are being appointed pursuant to the selection in question and the prospective promotees to the posts of Grid Sub-Station Operators, this petition is dismissed as regards the challenge to the change of policy by which 418 posts of Grid Sub-Station Operators are being filled up by way of direct recruitment by the respondents, the said recruitment having been necessitated on account of an acute shortage in the said cadre, and the recruitment not directly affecting the petitioners' chances of promotion in the future.

Naturally, as and when the petitioners complete the experience statutorily required for promotion as Grid Sub-Station Operators, their cases for promotion to the said rank would be immediately taken up by the competent authority and promotion made if they are found to be fit, a specific stand having been taken that there are far larger number of posts vacant in the

said higher rank than the number of candidates available in the feeder cadre thereto, i.e in the cadre of Grid Sub-Station Assistants.

Whether or not the petitioners should have been promoted within a particular period to the post of Grid Sub-Station Assistants from the post of Shift Attendants, thereby enabling them to have been promoted further to the post of Grid Sub-Station Operators before appointment of any direct recruits to the last said post, would be a question to be gone into in appropriate proceedings, if brought by the parties concerned.

No order as to costs.

**Civil Misc. No.10144 of 2017**

By this application, respondents no.4 to 12 seek vacation of the stay order dated 08.03.2017.

Since the main petition itself has been dismissed on merits, this application seeking vacation of the stay order dated 08.03.2017 is rendered infructuous and is disposed of as such.

**(AMOL RATTAN SINGH)**  
**JUDGE**

**August 23, 2017**  
Sunil Devi/vcgarg

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|--------------------------------|-----|
| 1. Whether speaking/reasoned : | Yes |
| 2. Whether reportable :        | No  |